

ORDINANCE NO. 11-36

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE II. DEPARTMENTS, OFFICES AND DIVISIONS, DIVISION 8. FINANCE DIRECTOR, AND IN PARTICULAR, REVISING HIALEAH CODE § 2-237 ENTITLED "FINANCE DIRECTOR" TO CREATE A DUTY OF THE FINANCE DIRECTOR TO SUBMIT CURRENT FINANCIAL INFORMATION TO COUNCIL MEMBERS UPON REQUEST AND SUBMIT QUARTERLY CASH REPORTS OF OPERATING FUNDS AND REVENUE AND EXPENDITURE SUMMARIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the purpose and intent of this ordinance is to eliminate an outdated provision in the Hialeah Code, which dated back to the 1955 Hialeah Charter, whereby the finance director would report all receipts and disbursements to the City Council--a practice that has been discontinued more than a generation ago; and

WHEREAS, this ordinance now provides for access to documentation of the City's current financial condition for each Councilmember upon request; and

WHEREAS, the City of Hialeah finds that it is in the best interest of the proper administration of the City to revise its Code to conform to current technology and practice.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 2 entitled "Administration", Article II. Departments, Offices and Divisions, of the Code of Ordinances of the City of Hialeah, Florida, Division 8. Finance Director, is hereby amended, by revising Hialeah Code § 2-237

entitled "Finance director", to read as follows:

Chapter 2

ADMINISTRATION

* * *

ARTICLE I1. DEPARTMENTS, OFFICES AND DIVISIONS

* * *

DIVISION 8. FINANCE DEPARTMENT

* * *

Sec. 2-236. Created.

There is created and established a finance department.

Sec. 2-237. Finance director.

The finance director shall be the principal financial officer of the city and the administrative head of the finance department. Subject to the supervision of the mayor, the finance director shall administer the affairs of the department and supervise the retirement division. In addition to the general responsibilities, the director shall have the following enumerated powers and duties:

* * *

(5) Submit a ~~quarterly statement~~ a revenue and expenditure summary and a cash report of operating funds for each quarter of the fiscal year to the city council ~~of all receipts and disbursements in sufficient detail to show the financial condition of the city.~~

(6) Submit to members of the city council, upon request, documentation demonstrating the city's current financial condition.

*

*

*

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 28th day of June, 2011.

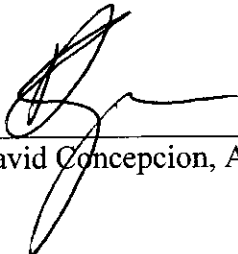
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



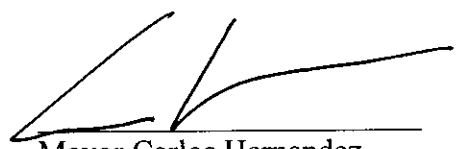
Isis Garcia Martinez
Council President

Attest:

Approved on this _____ day of _____, 2011.



David Concepcion, Acting City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

S:\WMG\LEGISLAT\ORD\Ordinance 2011\ch2amndfinancedirectorduties.docx

Ordinance was adopted by a unanimous vote with Councilmembers,
Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez,
Hernandez and Yedra voting "Yes".